

REMARKS/ARGUMENTS

Currently in the case, after amendment, claims 2 - 52 are pending with claims 1 & 25-52 being canceled. Claim 2 was indicated as allowed. All the remaining claims in this case have been amended to depend from claim 2 and are thus allowable.

The Examiner is invited to telephone Applicant's Attorney at the number below between the hours of 1:00 p.m. and 6:00 p.m. Eastern Standard Time, if such will advance this case.

Dated: October 6, 2005

Respectfully submitted:

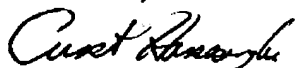


Tel. (562) 594-9784  
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Docket: 13364 Statchem

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DATE OF DEPOSIT: October 06, 2005

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
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Box 1450; Alexandria, VA 22313-1450



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October 6, 2005

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Commissioner of Patents & Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**PATENT**  
Docket No: 13364 Stat  
Date: October 6, 2005

Dear Sir,

Accompanying this letter is an office action relating to the **utility** patent application of Patko, Burnam, Tam and Dabney for **PORTABLE CO-OXIMETER**, 09/752,502 The action consisting of: (1) 8 pages of response, (2) cover letter, & (3) an acknowledgement Post card. dkt: 13364-STAT. By regular mail and fax.

This amendment is submitted in response to an office action communication received on 07/07/2005. Accordingly, this document is

  X   timely;

       late by 2 month. If late, enclosed is a check for \$ 00.00 in payment of the extension fee pursuant to 37 C.F.A. section 1.17.

The response:

  XX   does not add claims requiring payment of an additional fee;

       does add claims requiring payment of an additional fee, which fee is calculated below.

Commissioner of Patents and Trademarks  
October 6, 2005  
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The additional fees have been calculated as follows:

Excess Claims Fees

	Number <u>current</u>	Number <u>previous</u>	Rate	
Total <u>claims:</u>	23	- 52 = 0	x \$ 25	= \$ 0

Independent <u>claims:</u>	2	- 5 = 0	x \$100	= \$ 0
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\$ 0

Should any additional fee be required or should any excess fee be paid, please charge or credit such amounts to charge account no. 08-0765.

Respectfully,



Curt Harrington  
Reg. No. 31,456

Enclosures      1. Acknowledgment postcard  
                     2. Amendment (8 pages)